

TOWN OF BASS LAKE
SAWYER COUNTY
PLANNING COMMITTEE & BOARD OF SUPERVISORS
THURSDAY, NOVEMBER 7, 2013

MINUTES

Chairperson Mark Olson called the meeting to order at 6:30 pm. Members Present: Chairperson Mark Olson, Dorothy "Doc" Brueggen, Dan Grothe, Dan Tyrolt, John McCue, Mark Laustrup and Alternate Phil Nies. Members Absent: Dick Theis.

Clerk Warshawsky affirmed agenda was posted in compliance with open meetings law.

Motion by Brueggen, seconded by Tyrolt to approve the agenda. Motion carried.

Motion by Nies, seconded by Laustrup to approve the minutes of the August 1, 2013 regular meeting. Motion carried.

Correspondence - None

ZONING:

Variance Application – Jennifer Block and Terrence McHugh. Lots 21-23, Block 1 Malar Beach Subdivision: S30, T 40N, R 8W; Parcel ID #002-157-01-2100. Site address: #14244W Poplar Lane. Doc# 384982. Property has 0.207 acres and is zoned Residential/Recreational One. Application is for the construction of a 12' x 12' deck and a 10' x 20' screen porch addition onto a new dwelling located 10' from one side lot line and 30' from the other side lot line. The proposed deck would be 18' from the side lot line and the proposed screen porch would be 10' from the side lot line. Variance is requested as Section 12.0 & 18.0, Sawyer County Zoning Shoreland-Wetland Protection Ordinance, Lake Class Development Standards & Dimensional Requirements would require the prior granting of a variance for any principle structure located closer than 10' from one side lot line and then at least 30' from the other side lot line. Olson presented the application. Olson reported that the County sent 22 letters. 12 were returned with no objection and no comment. The applicants were present. Terry McHugh presented his application. McHugh purchased the property and hired a surveyor who came out to the property twice and said everything was fine. Construction began. Construction stopped when it was discovered that the deck too close to the Town's public reserve property line. The surveyor admitted to the builder the he made a mistake. McHugh passed out a handout to each committee member and reviewed it. The deck was removed and McHugh is requesting a 12' x 12' deck and a 10' x 20' screen porch addition onto a new dwelling located 10' from one side lot line and 30' from the other side lot line. The proposed deck would be 18' from the side lot line and the proposed screen porch would be 10' from the side lot line. Nies reported that a great deal of time was spent by Nies and Highway Crew Chief, Truit Campbell telling the builder to stop and they had to go through Sawyer County Zoning. Nies went on to say that the Town is protective of the public reserve strip and the Town appreciates McHugh taking down the deck. Nies said that he struggled with "what does it hurt". The Town has made a number of people move things and whether the builder or surveyor made a mistake, it's still McHugh's responsibility. Laustrup asked if the property owner just West of the property commented. Olson reported that the committee did not receive a copy of the letters returned because there were no objections and no comments. Nies commented that the Town has developed view sheds on public reserve strips over time and if Mc Hugh built the screened in porch it would interfere with any future plan for a view shed. Olson said that in going through the 3 step process on hardship and reviewing the cases over the years he found one case that looked at if a County official makes a mistake, the official's role can be considered when

deciding whether to grant a variance. If an owner makes a mistake, it's not considered a hardship in the courts. Nies said that the committee has to go through the 3-step test:

1. Is the property unique? No.
2. Is there harm to public interest? The porch would obstruct a possible view shed.
3. Is there unnecessary hardship? Hard pressed to say that there is.

Nies said that he has a problem with the porch. Laustrup suggested a 10' x 12' porch. Nies said that McHugh asked for 12' x 12' porch. Discussion followed. Olson asked for any other questions. Motion by Nies to approve the 12' x 12' deck, but deny 10' x 20' porch due to no unnecessary hardship, seconded by Doc. Laustrup said why not let him have a 10' x 12' porch. Nies replied that if you do that and bring out the trusses, it is quite a structure. Tyrolt asked if the Town has run into a situation where the Surveyor has made an error before. Nies replied that the Town has had instances where people have made mistakes on purpose. Tyrolt said that he is concerned that the Town could have a lot of people with "mistakes". Nies said the owner is ultimately responsible. Discussion followed. Olson asked for a vote with Olson abstaining. Motion carried unanimously. Nies reminded McHugh that this decision is a recommendation. Findings of fact:

Construction of a 12' x 12' Deck - **Approved**

- 1) There would be no change in the use in the zone district.
- 2) It would not be damaging to the rights of others or property values.
- 3) A 12' x 12' side deck return would be a reasonable accommodation.

Construction of a 10' x 20' Screen Porch Addition – **Denied**

- 1) It would be for the convenience of the owner
- 2) It would be a self-created hardship
- 3) It would not be due to special conditions unique to the property
- 4) The termination of John Morton Avenue to the public reserve may have a public use in the future and the infringement of the screen porch would have a detrimental visual effect.

Conditional Use Application – Wanda Baker - Owner, Matt Carfi – Purchaser. Part of the SE ¼ SE ¼, S10, T 40N, R 9W; Parcel 11.2. Site address: 15660W Williams Road. Doc #384756, #298657, #298489, #251317 and Volume 590 Records page 209. Property has 36.79 total acres and is zoned Agricultural One. Purpose of request is for the location/operation of a state licensed zoological park by the purchaser. The applicant was not present, but available by phone and presented application via conference call. Olson reported that the County sent 7 letters and 4 were returned with objection (3 included comments). Olson read letters received from the County and then letters received outside 300 feet. Olson asked Matt Carfi to present his application. Carfi said that from the letters just read, the main concern is traffic. Carfi said that he did a traffic study and the increase in traffic would be minimal. Carfi said that while there was a picture of a reptile house in the application packet, there would not be a reptile house. He used that picture to show the enclosure. Carfi described the fencing that would be used. Carfi addressed concerns about tigers and large cats. He said that there are plenty of rescue options for cats and his intentions are not to have cats. Carfi also addressed concerns regarding noise stating that neighbors are not going to hear much noise. There will not be any lions. Carfi explained that his plan is to have black bear. He anticipates 25 cars per day. Visitors will be schools, orphanages, etc., this will not be a zoo, and it will be part of their wildlife foundation. Any rescue would be animals native to Wisconsin. Olson asked for clarification of the business plan. Carfi replied that he would have horses 7 months out of the year. Discussion followed. Carfi mention that he is looking into rescuing birds of prey. Nies asked if it will be a commercial enterprise and Tyrolt asked if a fee would be charged. Carfi said that income will come from donations or funding. Discussion followed. Olson asked Carfi if he wants the public to come. Carfi replied that his background is teaching. The public is invited. Tyrolt ask for a projection of the number of people he expects to visit. Carfi replied that he could estimate 50 – 100 people per day. Discussion followed. Olson asked if state and federal licensing is required to be a rehabber in Wisconsin. Carfi answered state and USDA. Grothe

asked if he had submitted applications. Carfi said the he wanted to close on the property first. Grothe asked if he would be offering horses shows. Carfi answered no. Olson asked for any other questions. Nies mentioned that Carfi made reference to teaching and asked Carfi what his qualifications are to run a zoo. Carfi replied the he has had experience in Illinois. Olson if there was anyone in favor wishing to speak – no one replied. Olson asked for anyone in objection to speak. Edmond Packee stated that he is a retired certified forester and has some concerns because, from experience, horses and black bears do not mix. Packee is opposed in terms of the black bear. Nora Leonard lives next door to the property and stated that the current fence is a cattle fence. She checked online and there isn't an exotic animal vet in Wisconsin and if you have wild animals, you are required to have vet certification and to apply for an import license. Ben Jacobson on Williams Road said that he would be directly effected by the traffic and takes issue with the traffic estimate of 25 of cars. Jacobson said that if the property were rezoned commercial (because it sounds like a commercial venture), the neighbors would bear the burden of the increased traffic. Craig Olson stated that he just purchased his property and is concerned about captive wild animals and diseases, like CDW (Chronic Wasting Disease). Rachel Hochum stated that she has 2 dogs and is concerned about animals escaping. Mike Haze said that he is concerned with traffic on Williams Road. There is already a bad intersection and a corner that needs to be addressed to handle increased traffic. Regina Petty is concerned with the issues already raised and asked Carfi why he isn't pursuing property already zoned commercial. Carfi said that traffic is the main concern. Olson replied that traffic, fencing, a vet for exotic animals, CDW, safety of children and pets and purchasing property already zoned commercial are the concerns. Discussion followed. Nies stated that granting the Conditional Use would be de facto spot zoning by conditional use. The property is Ag 1 and all around is residential and per the Comprehensive Plan residential forestry. Discussion followed. Olson asked for any further questions. Olson turned it over to the committee for discussion. Olson said that looking at Ag 1 under permitted uses, zoos are not specifically mentioned closest is kennel for domesticated animals. The area is slated to be residential and this does not fit with the uses. Laustrup asked about the property if it was rezoned commercial. Nies said that anything could go in there and you couldn't put enough conditions on it to be feasible. McCue stated that if it were on a highway, it would be a different story. Discussion followed. Motion by Grothe, seconded by Brueggen to deny the application.

Findings of fact:

- 1) It would be damaging to the rights of others and property values.
- 2) It would create traffic or highway access problems.
- 3) It would not be compatible with the surrounding uses and the area.
- 4) It would be de facto spot zoning to commercial use by conditional use permit.

A 5-minute recess was taken.

Special Use Application – Colbroth Lake, LLC, Harold Rider, Member. Tax ID: 3374, S17, T 40N, R09W. Purpose of request is for the construction of a year-round or seasonal dwelling in (F-1) Forestry One Zone District. Olson presented the application. Stephan Fenner was present to represent the applicant. Fenner stated that the owner would like to build a 4-season cabin for the family. Discussion followed. Nies explained that Susan Rider, the applicant, owns 160 acres around Colboth Lake and wants to build a house on the border of 2 forties. Rider has agreed to bind the 2 forties together. Olson stated that there have been numerous applications like this where 5 acres can't be further subdivided. Olson said that he wants to add that the Town won't issue permit until binding the 2 forties is on the deed. Discussion followed. Motion by Nies, seconded by L to approve. Motion carried with the following conditions:

- 1) The two parcels are bound together legally and documentation is provided to the Town Clerk before the building permit is issued.
- 2) The lot cannot be further subdivided for additional dwellings if parcels are separated.
- 3) The placement of only one single family dwelling on the lot.

Findings of Fact:

- 1) It would not be damaging to the rights of others or property values.
- 2) It would not be detrimental to ecology, wildlife or wetlands.
- 3) It would not create traffic or highway access problems.

Motion carried. The applicant has agreed to the conditions.

OLD BUSINESS: None

NEW BUSINESS:

Olson reported that a request has been made by Bruce and Sarah Wick to abandon an undeveloped Town road that runs across their property. Bruce and Sarah Wick were present. Bruce Wick explained that in June 1997, they received a letter from the Bass Lake Town Board approving the request. All the neighbors have signed off. Wick never followed through and is now installing septic at Angler's. Motion by Nies, seconded by Lastrup to approve abandoning the Town road. Motion carried.

Nies reported that a request was made for a handicapped parking spot along the road, next to the Windigo Boat Landing. It was determined that the requested spot would not be safe especially if a wheelchair were being used. Discussion followed.

Motion by Lastrup, seconded by Brueggen to adjourn at 7:55 pm. Motion carried.